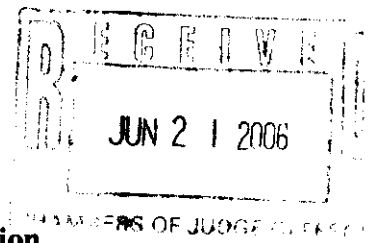


United States District Court
for the
Eastern District of New York



Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Nicholas Nuziale

Case Number 05-CR-686

Name of Sentencing Judicial Officer: Honorable John Gleeson, U.S. District Judge

Date of Original Sentence: May 3, 2006

Original Offense: Theft from an Agency Receiving Federal Funds, in violation of 18 U.S.C. § 666(a)(1)(A), a Class C felony

Original Sentence: Three years probation; \$100 SAF; Restitution in the amount of \$8,922.17

Special Conditions: Full Financial Disclosure and Compliance with the Order of Restitution

Type of Supervision: Probation

Date Supervision Commenced: May 3, 2006

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

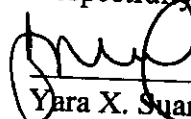
The defendant shall participate in an outpatient and/or inpatient drug treatment or detoxification program approved by the Probation Department. The defendant shall pay the costs of such treatment/detoxification to the degree he or she is reasonably able, and shall cooperate in securing any applicable third party payment, such as insurance or medicare. The defendant shall disclose all financial information and documents to the Probation Department to assess his or her ability to pay. The defendant shall not consume any alcohol or other intoxicants during and after treatment/detoxification, unless granted a prescription by a licensed physician and proof of same is provided to the Probation Department. The defendant shall submit to drug testing during and after treatment to ensure absence from drugs.

CAUSE

A urinalysis secured at the Probation Department on May 3, 2006, the date the offender was sentenced for the instant offense, tested and confirmed positive for the presence of marijuana. During our June 8, 2006, interview of the offender, he admitted smoking marijuana prior to his sentence date, because he was nervous and stressed over what Your Honor would impose. As noted in the presentence report, the offender admitted experimenting with marijuana and cocaine during his twenties until 2002. He also consumed cocaine on one occasion and imbibes alcohol occasionally.

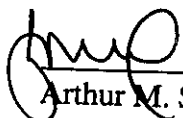
The offender voluntarily signed the attached Prob 49, which would modify his conditions of probation to include substance abuse treatment. It is noted that a urinalysis secured on May 30, 2006, yielded negative for the presence of illegal drugs. The results of a urinalysis secured on June 19, 2006, are pending.

Respectfully submitted by,



Yara X. Suarez
U.S. Probation Officer

Approved by,


 For AMS

Arthur M. Swasey
Supervising U.S. Probation Officer
Date: 6/19/06

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other

s/John Gleeson


Signature of Judicial Officer

6.21.08

Date